

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

O R D E R

This matter is before the Court on Defendant Samuel A. Ashley's motion to compel the government to return all financial documents provided to the grand jury (Doc. No. 153). Defendant requests production of these documents to challenge the amount of loss attributed to him for purposes of calculating his sentence under the Sentencing Guidelines. Both this Court and the Sixth Circuit Court of Appeals have determined that the calculation of the amount of loss at sentencing was correct. See United States v. Ashley, 91 Fed. Appx. 485, 488 (6th Cir. 2004); Doc. 134, at 31-32. Defendant is not entitled to delve into this issue yet again.

Accordingly, Defendant's motion is not well-taken and is **DENIED**.

IT IS THEREFORE ORDERED:

1. A certificate of appealability shall not issue on the matters raised herein. See 28 U.S.C.A. § 2253(c); Fed. R. App. P.22(b). Petitioner remains free to request issuance of the

certificate of appealability from the Court of Appeals. Id.

2. The Court certifies pursuant to 28 U.S.C.A. § 1915(a)(3) that an appeal of this Order would not be taken in good faith, and therefore **DENIES** Petitioner leave to appeal in forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

Date December 14, 2006

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court